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Paper No. 07

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In re Application of:	:	
Muramatsu, <i>et al.</i>	:	DECISION ON PETITION
Application No. 09/748,326	:	TO WITHDRAW HOLDING
Filed: December 26, 2000	:	OF ABANDONMENT
Attorney Docket No.: S004-4175	:	

This is a decision on to the petition under C.F.R. § 1.181(a) filed on September 09, 2002, to withdraw the holding of abandonment of the above-identified application.

The petition is **granted**.

The application was held abandoned for failure to respond to the Office action mailed on November 27, 2001. A Notice of Abandonment was mailed on July 03, 2002.

Petitioner asserts that on December 13, 2001, a response to the Office action was timely filed in the above-identified application. To support this assertion, petitioner has provided a copy of the response bearing a Mailing Certificate and a statement that attests on a personal knowledge basis that the response was mailed on December 13, 2001.

A review of the application file record reveals that the above-identified response is not of record in the application file and cannot be located. However, 37 C.F.R. § 1.8(b) provides for accepting a correspondence as being timely filed if it was mailed or transmitted in accordance with 37 C.F.R. § 1.8(a).

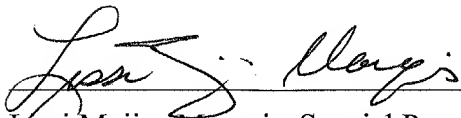
The petition meets the conditions of 37 C.F.R. § 1.8(b) to establish the previous timely filing of the response. The application is not abandoned in fact.

The Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn. The application is restored to pending status.

The copy of the amendment submitted with the petition of September 09, 2002, is accepted since the response originally submitted was apparently lost.

The application file is being forwarded to the Technology Center 2800 support staff for entry of the amendment. From there, the application will be forwarded to the examiner for appropriate action.

Inquiries regarding this decision should be directed to Lissi Mojica Marquis at (703) 308-2260.



Lissi Mojica Marquis, Special Programs Examiner

Technology Center 2800

Semiconductors, Electrical and Optical

Systems and Components